

REGULAR MEETING
AGENDA

Wednesday, November 18, 2009 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

Due to necessary scheduling of ZBA members, the following items may be considered out of sequence and application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting.

PUBLIC HEARING

CALENDAR NO. 46-2009

The application of Edward Schildnecht Jr. filed on October 21, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a replacement one story garage addition attached to an enlarged residence; Section 406: 5.2 in lieu of 10.0 feet minimum required side yard setback. The property is situated on the west side of Walmsley Road approximately 160 feet south of the easternmost intersection of Walmsley Road and Linden Avenue and is shown on Assessor's Map #46 as Lot #120, being 6 Walmsley Road and located in an R-1/3 (residential) Zone.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Discussion, deliberation and possible decision for Public Hearing request item listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.

CONTINUATION OF PUBLIC HEARING

Opened on October 21, 2009 and continued to tonight, November 18, 2009 due to the need to clarify the project plans. Attending the October 21st hearing session were ZBA members Vic Capellupo, Al Tibbetts, Gary Greene, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Anthony Simari. This hearing must be completed by November 25, 2009 (within 35 days after its October 21st opening). However if the determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until no later than January 29, 2010 (up to 100 total days from its October 21 opening). The next scheduled regular ZBA meetings are December 16, 2009 and January 20, 2010. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

CALENDAR NO. 39-2009

The application of Rucci, Burnham, Carta & Carello, LLP on behalf of J. Wilson Ropp & Adrienne Dreiss filed on August 19, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a replacement two story residence with decks; Section 406: 31.0 in lieu of 50.0 feet minimum required rear yard setback relative to the north property line and 28.3 in lieu of 50.0 feet minimum required rear yard setback relative to the southwest property line. The property is an interior lot situated east of Hollow Tree Ridge Road and accessed from a common driveway (which also serves 362 and 366 Hollow Tree Ridge properties) located on the east side of Hollow Tree Ridge Road approximately 500 feet north of the intersection of Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lots #111A-1 and 114, being 364 Hollow Tree Ridge Road and located in an R-2 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 36-2009

This application was submitted in August when a Conservation Easement issue was discovered. To allow time for the owner to address that, the applicant provided an extension allowing the ZBA to open this hearing at a later date. **This Public Hearing must be opened by December 27, 2009** (within 130 days

after its August 19, 2009 Receipt Date). The ZBA may also open this hearing tonight (November 18, 2009) and continue it for 35 days if necessary.

The application of Lance E. Zimmerman, AIA on behalf of M. David Magnotta filed on August 19, 2009 for variances of Sections 406 and 361 of the Darien Zoning Regulations, to allow the construction of a one story screened porch addition and the installation of a pool with equipment and a terrace; Section 406: 33.9 in lieu of 35.0 feet minimum required side yard setback and 29.0 in lieu of 50.0 feet minimum required rear yard setback for the screened porch; 7.3 in lieu of 35.0 feet minimum required side yard setback and 32.8 in lieu of 50.0 feet minimum required rear yard setback for the pool; 31.1 in lieu of 35.0 feet minimum required side yard setback for the equipment; and Section 361: 2.3 in lieu of 8.0 feet minimum required lot line setback for the terrace. The property is situated on the west side of Brookside Road approximately 400 feet south of the intersection of Brookside Road and Three Wells Lane and is shown on Assessor's Map #5 as Lot #17-1, being 215 Brookside Road and located in an R-2 (residential) Zone.

CALENDAR NO. 45-2009

The application of Jacek Bigosinski and PB Architects on behalf of Darien Auto Group filed on October 21, 2009 for variances of Sections 926.4 and 926.1 referencing Sections 923.1b and 923.1c of the Darien Zoning Regulations, to allow the construction/installation of two wall signs; Section 926.4: 2 in lieu of 1 maximum allowable wall sign; Section 926.1 referencing Section 923.1c: installation of a side wall sign where none is permitted; and Section 926.1 referencing Section 923.1b: 18 in lieu of 10 inches maximum allowable letter height; 60 in lieu of 10 inches maximum allowable figure/logo height; and 48.44 in lieu of 41.6 square feet maximum allowable sign area. The property is situated on the northwest side of Boston Post Road at the northwest corner formed by the intersection of Boston Post Road and Thorndal Circle and is shown on Assessor's Map #39 as Lot #19, being 1335 Boston Post Road and located in an SB (commercial) Zone.

CALENDAR NO. 47-2009

The application of Gleason & Associates LLC on behalf of Connecticut Community Bank, NA dba The Greenwich Bank and Trust Company and 205 Post Road Development Partners, LLC filed on October 21, 2009 for variances of Sections 674b, 675, 904h, and 926.2 of the Darien Zoning Regulations, to allow the construction of a drive thru restaurant with stair platform and railing, HVAC

and generator/transformer equipment, and the installation of a pole sign; Section 674b: to allow a restaurant use with 0 square feet indoor space devoted to customer tables and seating in lieu of 1,200 square feet minimum required; Section 675: 26.6 in lieu of 30.0 feet minimum required front yard setback for the stair platform; 25.5 in lieu of 30.0 feet minimum required front yard setback for the HVAC and generator/transformer equipment; Section 904h: 4 in lieu of 5 minimum required parking spaces; and Section 926.2: 13.5 in lieu of 30.0 feet minimum required front yard setback for the pole sign. The property is situated on the northwest side of Boston Post Road at the southwest corner formed by the intersection of Boston Post Road and Richmond Drive and is shown on Assessor's Map #13 as Lot #6, being 205 Boston Post Road and located in an SB-E (commercial) Zone.

OTHER BUSINESS

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2. Discussion, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
3. Requested six month extension, to obtain all required permits and begin on-site construction for ZBA Calendar No. 30-2009, Christian Zawacki & Ann Marie Paturno, 7 Mansfield Place. The Public Hearing of this matter was July 15, 2009. Initial ZBA approval expires on January 30, 2010.
4. General discussion of Application Materials, hearing guidelines, hardship criteria, decision practices/ guidelines, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
5. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).